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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **NAKAJIMA, Yuji, et al.**

Group Art Unit: 1644

Serial No.: 10/768,965

Examiner: **ROONEY, Nora Maureen**

Filed: February 2, 2004

P.T.O. Confirmation No.: 4559

FOR: ALLERGEN INACTIVATING METHOD, ALLERGEN INACTIVATING FILTER, AIR TREATING APPARATUS, VIRUS INACTIVATING AGENT, VIRUS INACTIVATING METHOD, VIRUS INACTIVATING FILTER, AIR CONDITIONING UNIT AND AIR CONDITIONER

REQUEST FOR RETURN OF FORM PTO-1449

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

April 29, 2009

Sir:

An Information Disclosure Statement was filed on **March 24, 2004**. A copy of this Information Disclosure Statement is attached.

The PTO-1449 from this Information Disclosure Statement was returned with the Office action dated December 19, 2006, but two of the references, AF and AG, were lined. The Office action indicated that they were not considered because they are in Japanese.

Applicant respectfully submits that the Information Disclosure Statement filed on March 24, 2004, was proper and these references should have been considered. Specifically, 37 CFR 1.98(3)(ii) requires: "A copy of the translation **if** a written English-language of a non-English language document, or a portion thereof, is within the possession, custody, or control of, or is readily available to any individual designated in §1.56(c)" (emphasis added). Applicant also notes that the Information Disclosure statement as filed did contain the required concise explanation of relevance under 37 CFR 1.98(3)(i).

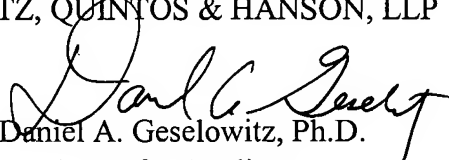
Application Serial No.: 10/768,965
Request for Return of Form PTO-1449

It is respectfully requested that the Examiner return a copy of the Form PTO-1449 which accompanies the Information Disclosure Statement, marked to indicate that the references listed therein have been considered by the Office. Applicant has recently obtained English abstracts of references AF and AG, and these are attached.

The Examiner is requested to telephone the undersigned should he have any questions concerning this Request.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP


Daniel A. Geselowitz, Ph.D.

Agent for Applicant

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DAG/xl

Atty. Docket No. **040040**

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PATENT TRADEMARK OFFICE

Enclosures: Copy of the Information Disclosure Statement filed March 24, 2004
Initialed PTO-1449 returned with the Office action dated December 19, 2006
Two English Abstracts
PTO-1449

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: NAKAJIMA, Yuji, et al.

Serial No.: 10/768,965

Filed: February 2, 2004

FOR: ALLERGEN INACTIVATING METHOD, ALLERGEN INACTIVATING FILTER, AIR TREATING APPARATUS, VIRUS INACTIVATING AGENT, VIRUS INACTIVATING METHOD, VIRUS INACTIVATING FILTER, AIR CONDITIONING UNIT AND AIR CONDITIONER

INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 CFR 1.97(b)

COPY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 24, 2004

Sir:

The attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached Form PTO-1449. One copy of each of these documents is attached.

Documents AF-AG were cited in the Background of the Invention of the above-identified application.

No fee or certification is required in connection with this Information Disclosure Statement, since it is being submitted prior to the issuance of a first official action on the merits or expiration of the three month period following the filing date or the entry of the national stage of the above-captioned application.

The above information is presented so that the Patent and Trademark Office can, in the first instance, determine any materiality thereof to the claimed invention. It is respectfully requested that the information be expressly considered during the prosecution

of this application, and that the documents cited in the attached Form PTO-1449 be made of record therein and appear on the first page of any patent to issue therefrom.

The Commissioner is authorized to charge our Deposit Account No. 01-2340 for any fee which is deemed by the Patent and Trademark Office to be required to effect consideration of this statement.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,
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Enclosures: PTO-1449 and references (2)

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